

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:22-cr-00282
)	JUDGE RICHARDSON
)	
GLEN CASADA and)	
CADE COTHREN,)	
)	
Defendants.)	

**GLEN CASADA’S AMENDED NOTICE REGARDING IMPACT OF DISCOVERY
PRODUCTION ON SCHEDULING ORDER AND MOTION TO EXTEND DEADLINES**

Pursuant to Court Order (D.E. 56), Casada submits his position on how the extension of the deadline to file discovery motions impacts the remaining deadlines in this matter. As further outlined below, Casada requests leave until August 24, 2023, to supplement or file additional pretrial motions¹ and disclose expert witnesses, if any.

Background

On August 22, 2022, the Grand Jury returned the above referenced indictment as to Glen Casada and Cade Cothren. (D.E. 3). Upon the return of the Indictment and the initial appearance of both Defendants, the Court entered the parties’ Agreed Protective Order regarding pending discovery materials. (D.E. 20, 23)

¹ Casada will file his Motion to Dismiss Indictment in compliance with the current deadline of July 25, 2023.

The Government provided its first production on September 7, 2022. The production was voluminous, consisting of 805 files and 151 folders totaling 296GB. The Government produced additional discovery materials in December 2022 and May 2023.

On May 25, 2023, at the Government's request, the Court held a status conference and entered a scheduling order setting deadlines for motion filings, expert disclosures, and so forth. (D.E. 49) The scheduling Order imposed the following deadlines, as pertinent to the present issue:

7/17/23 – Deadline for discovery-related motions

7/25/23 – Deadline for pretrial motions

7/31/23 – Deadline for responses in opposition to discovery-related motions and for parties to disclose expert witnesses

8/7/23 – Deadline for any replies related to discovery-related motions

8/8/23 – Government's deadline to file notice of intent to offer evidence under Fed Rules Evidence 404(b) and 609

8/14/23 – Deadline for parties to notify other party that they may call a rebuttal expert witness

8/15/23 – Deadline for responses to pretrial motions

8/22/23 – Deadline for replies to pretrial motions, Motions in Limine, Rule 702 Motions and Fed Rules Evidence 404 motions to exclude

9/12/23 – Deadline to file responses to motions in limine and responses to 404 motions

9/19/23 – Deadline to file any replies to motions in limine, any replies to 404 motions to exclude, proposed jury instructions, verdict forms and trial briefs; Gov't's deadline to disclose all remaining Jencks materials; Exhibit Review

9/21/23 – Deadline for joint certification that exhibit review has been completed and statement of any related issues

9/22/23 – Pretrial Conference

9/26/23 – Deadline to disclose witness and exhibit lists.

On July 5, 2023, the Government informed defense counsel for both Casada and co-defendant Cade Cothren that it anticipated another disclosure of discovery materials. In anticipation, Casada and Cothren filed Motions to Extend the Discovery-related Motion deadline on July 14th and 17th, 2023, respectively. (D.E. 54, 55) The Court Granted the Motion, extending the discovery-related motion deadline to August 17, 2023, and Ordered the Defendants to submit their position on the effect of the extension on other deadlines. (D.E. 56)

Analysis

On July 18, 2023, the Government notified undersigned counsel that the most recent discovery production consisted of 129GB. Defense counsel provided the required hard drive and received the additional discovery the following day. The most recent discovery is voluminous and includes 129GB of information. The cover letter notes that “for those items for which an extraction was completed, the government will provide data associated with this request in a *forthcoming production* and will make the remaining items available for inspection” (emphasis added) including electronic materials seized from *Casada’s residence and office*, Cothren’s apartment and office, Nadine Korby’s office, Holt Whitt’s office, and Robin Smith’s office.

These materials, particularly those seized from the Defendant, should have been disclosed to the defense months ago. Fed.R.Crim.P. 16², Local Rule 16(A)(1)(a).

In light of the volume of discovery recently disclosed and the Government’s representation that additional discovery is forthcoming, Casada requests, at a minimum and without waiver of

² Fed. R. Crim. P. 16(a)(1)(E)(iii) provides that the Government must produce books, papers, documents, etc. if the item is within the government's possession, custody, or control and the item was obtained from or belongs to the defendant.

other remedies, that the deadline to file additional Pretrial Motions and expert disclosures be extended to August 24, 2023, so that Casada may evaluate whether the late-produced discovery establishes grounds for additional pretrial litigation, included but not limited to motions to dismiss for additional grounds than those already raised, suppression motions, motions to exclude discovery materials, or motions for sanctions related to untimely disclosures.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a Notice of Electronic Filing to the following. I will serve a copy of this sealed pleading on same.

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